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# 3

**DECLARATION FOR PATENT APPLICATION AND  
POWER OF ATTORNEY**

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

I believe (check one) ☐ I am the original, first and sole inventor  
☒ I am a joint inventor and the below named inventors are the  
original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

**A CHEMICALLY AND BIOLOGICALLY RESISTANT HYDRATION SYSTEM**

the specification of which

(check one) ☐ is attached hereto.  
☒ was filed on March 6, 2002  
as Application Serial No. 10/092,030  
and was amended on \_\_\_\_\_.  
(if applicable)

I further declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Day/Month/Year Filed	Claimed	Priority	
Number	Country			Yes	No
_____	_____	_____	_____	X	

I hereby claim the benefit under 35 U.S. C. §119(e) of any United States provisional application listed below:

**Provisional Application Serial No.**

60/273,694

**Filing Date**

March 6, 2001

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**Application Serial No.**

**Filing Date**

**Status (patented, pending, abandoned)**

I hereby appoint: Robert M. O'Keefe (Reg. No. 35,630), Richard D. Egan (Reg. No. 36,788), Brian W. Peterman (Reg. No. 37,908), William W. Enders (Reg. No. 41,735), and Maximilian R. Peterson (Reg. No. 46,469), each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, as its attorneys for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Address all telephone calls to Robert M. O'Keefe at telephone number (512) 347-1611.

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(512) 347-1611  
(512) 347-1615 (Fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Peyton W. Hall

Inventor's Signature

*Peyton W. Hall*

5/12/02

Date

Residence: 1726-B West 11<sup>th</sup> Street Austin, TX 78703

Citizenship: U. S.

Post Office Address:

Same

(enter "same" if mailing address is same as residence address)

Full name of second joint inventor: Frank T. Zeller

Inventor's Signature

*Frank T. Zeller*

5/13/2002

Date

Residence: 1104 D K Ranch Road Austin, TX 78759

Citizenship: U. S.

Post Office Address:

Same

(enter "same" if mailing address is same as residence address)

Full name of third joint inventor: John Werner Bulluck

Inventor's Signature

*John Werner Bulluck*

5/13/02

Date

Residence: 22212 Stowe Cove Spicewood, TX 78669

Citizenship: U. S.

Post Office Address:

Same

(enter "same" if mailing address is same as residence address)

Full name of fourth joint inventor: Michael L. Dingus

Inventor's Signature

*Michael L. Dingus*

05/02/02

Date

Residence: 2605 Rock Terrace Drive Austin, TX 78704

Citizenship: U.S.

Post Office Address:

Same

(enter "same" if mailing address is same as residence address)



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VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN

DOCKET NO.  
TRIA:005

Applicant or Patentee: Peyton W. Hall et al.

Application No.: 10/092,030

Title: A CHEMICALLY AND BIOLOGICALLY RESISTANT HYDRATION  
SYSTEM

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:  
ADDRESS OF SMALL BUSINESS CONCERN:

TRI/Austin, Inc.  
9063 Bee Caves Road  
Austin, TX 78723-6201

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below:

Separate verified statement is required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Michael L. Dingus, Ph.D.

TITLE OF PERSON IF OTHER THAN OWNER: Vice President

ADDRESS OF PERSON SIGNING: 9063 Bee Caves Road  
Austin, TX 78723-6201

SIGNATURE:  DATE: 05/17/02